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PATENT APPLICATION

ATTORNEY DOCKET NO. 10007465-1**IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s): Travis J. Parry

Confirmation No.: 7530

Application No.: 09/802,665

Examiner: Huy Q. Phan

Filing Date: Mar. 9, 2001

Group Art Unit: 26

Title: Methods And Systems For Controlling Multiple Computing Devices

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450**TRANSMITTAL OF APPEAL BRIEF**Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on Nov. 14, 2005.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:☐ 1st Month
\$120☐ 2nd Month
\$450☐ 3rd Month
\$1020☐ 4th Month
\$1590☐ The extension fee has already been filed in this application.☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 500 . At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

Travis J. Parry

By 

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Rev 10/05 (ApI Brief)

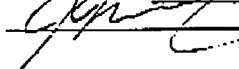
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**PATENT APPLICATION
DOCKET NO. 10007465-1**

**IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

INVENTOR(S) : Travis J. Parry

GROUP ART UNIT: 2685

SERIAL NO.: 09/802,665

EXAMINER: Phan, Huy Q.

FILED: 03/09/2001

SUBJECT: METHODS AND SYSTEMS FOR CONTROLLING MULTIPLE
COMPUTING DEVICES

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APPELLANTS'/APPLICANTS' OPENING BRIEF ON APPEAL**1. REAL PARTY IN INTEREST.**

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holding, LLC.

2. RELATED APPEALS AND INTERFERENCES.

There are no other appeals or interferences known to Appellants, Appellants' legal representative or the Assignee which will affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

3. STATUS OF CLAIMS.

Claims 1-23 and 25 are pending and stand rejected. All pending claims are appealed.

4. STATUS OF AMENDMENTS.

No amendments have been filed after the final action was entered. All previous amendments have been entered.

5. SUMMARY OF CLAIMED SUBJECT MATTER.

Claim 1 recites switching device. The device includes a transmitter and a receiver. See, e.g., Specification, page 6, lines 12-22 and Fig. 3. The transmitter and receiver are operable to provide wireless communication (1) between the switching device and a selected one of a plurality of available computing devices and (2) between the switching device and a peripheral device. See, e.g., Specification, page 7, lines 11 through page 9, line 2 and Fig. 4. The device also includes a computer readable medium and a processor for executing instructions stored by the computer readable medium. See, e.g.,

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Specification, page 6, line 23 through page 7, line 5 and Fig. 3 reference numbers 306 and 308. The computer readable medium has instructions for:

- a. maintaining a list of the available computing devices;
- b. receiving a user communication selecting from among the list of available computing devices; and
- c. utilizing the transmitter and the receiver to establish a first wireless link between the peripheral device and the switching device and a second wireless link between the switching device and a computing device selected from the list of available computing devices.

See, e.g., Specification, page 6, line 23 through page 7, line 5 and page 7, lines 11 through page 9, line 2 and Fig. 4.

Claim 10 is directed to a computing system. The system includes multiple computing devices. See, e.g., Specification, page 9, lines 5-8 and Fig. 5. Each computing device is configured for wireless communication. See, e.g., Specification, page 9, lines 5-18 and Fig. 5. The system includes one or more peripheral devices configured to wirelessly receive and/or transmit data. See, e.g., Specification, page 9, lines 5-18 and Fig. 5. The system also includes a switching device. See, e.g., Specification, page 9, lines 5-18 and Fig. 5. The switching device is configured to a number of tasks. Those tasks include:

- (1) maintaining a list of available computing devices from among the multiple computing devices;
- (2) receiving a user communication selecting from among the list of available computing devices); and
- (3) establishing a first wireless link between the peripheral device and the switching device and a second wireless link between the switching device and a computing device selected from the list of available computing devices enabling wireless user interaction.

See, e.g., Specification, page 8, lines 6-27 and Figs 4 and 5

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Claim 16 is directed to a computing system. That system includes multiple computing devices. See, e.g., Specification, page 9, lines 5-8 and Fig. 5. Each computing device is configured for wireless communication. See, e.g., Specification, page 9, lines 5-18 and Fig. 5. The system also includes one or more peripheral devices configured to wirelessly receive and/or transmit data and linkable with the computing devices for data exchange. See, e.g., Specification, page 9, lines 5-18 and Fig. 5. The system also includes a switching device. See, e.g., Specification, page 9, lines 5-18 and Fig. 5. The switching device is configured to a number of tasks. Those tasks include:

- (1) wirelessly receiving and transmitting data from and to the peripherals and the computing devices (see, e.g., Specification, page 7, lines 11 through page 9, line 2 and Fig. 4.;
- (2) maintaining a list of available computing devices from among the multiple computing devices (see, e.g., Specification, page 8, lines 1-6 and Fig. 4);
- (3) receiving a user communication selecting from among the list of available computing devices (see, e.g., Specification, page 8, lines 6-27); and
- (4) establishing a first wireless link between the one or more peripheral devices and the switching device and a second wireless link between the switching device and a computing device selected from the list of available computing devices enabling user interaction with the computing devices (see, e.g., Specification, page 8, lines 6-27 and Figs 4 and 5).

Claim 21 is directed to a method of controlling multiple computing devices utilizing a switching device. The method includes establishing a first wireless link with a peripheral device. See, e.g., Specification, page 8, lines 6-9 and Fig. 5 (note the communication links between the switching device (300) and the various peripheral devices). A list of available computing devices is maintained. See, e.g., Specification, page 8, lines 1-6 and Fig. 4. Data is received from a user. See, e.g., Specification, page 8, lines 6-27. That data is associated with a user selection of an available computing device from the list. See, e.g., Specification, page 8, lines 6-27. The received data is used to select a computing device. See, e.g., Specification, page 8, lines 6-27. A second wireless link is established with the selected computing device. See, e.g., Specification, page 8, lines 6-27. The user is thus

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permitted to interact with the selected computing device via said first and second wireless links. See, e.g., Specification, page 8, lines 6-27.

Claim 25 is directed to One or more readable media having instructions which, when executed by a switching device, cause the switching device to perform a number of acts. Those acts include:

1. establishing a first wireless link with a peripheral device (see, e.g., Specification, page 8, lines 6-9 and Fig. 5 (note the communication links between the switching device (300) and the various peripheral devices));
2. maintaining a list of available computing devices (see, e.g., Specification, page 8, lines 1-6 and Fig. 4);
3. wirelessly receiving data from a user, the data being associated with a user selection from the list of available computing devices (see, e.g., Specification, page 8, lines 6-27);
4. using the received data to select a computing device (see, e.g., Specification, page 8, lines 6-27);
5. establishing a second wireless link with the selected computing device (see, e.g., Specification, page 8, lines 6-27); and
6. permitting the user to interact with said one computing device via said first and second wireless links (see, e.g., Specification, page 8, lines 6-27).

6. GROUNDS FOR REJECTION TO BE REVIEWED.

A. A prima facie case for obviousness has not been established in that the references of record do not teach or suggest a transmitter and a receiver operable to provide wireless communication between the switching device and a selected one of a plurality of available computing devices and between the switching device and a peripheral device.

B. A prima facie case for obviousness has not been established in that the references of record do not teach or suggest a computer readable medium having instructions for utilizing the transmitter and the receiver to establish a second wireless link

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between the switching device and a computing device selected from the list of available computing devices.

C. A prima facie case for obviousness has not been established in that the references of record do not teach or suggest a switching device configured to establish a second wireless link between the switching device and a computing device selected from the list of available computing devices enabling wireless user interaction.

D. A prima facie case for obviousness has not been established in that the references of record do not teach or suggest a method in which a second wireless link is established with a selected computing device so that a user is permitted to interact with the selected computing device via first and second wireless links.

E. A prima facie case for obviousness has not been established in that the references of record do not teach or suggest one or more computer readable media that have instructions for establishing a second wireless link with a selected computing device so that a user is permitted to interact with the selected computing device via first and second wireless links.

7. ARGUMENT.

A. Ground For Rejection A (Claims 1-9) – The references of record fail to teach or suggest a transmitter and a receiver operable to provide wireless communication between the switching device and a selected one of a plurality of available computing devices and between the switching device and a peripheral device.

Claims 1-6, 8-21, and 23, and 25 were rejected under 35 U.S.C. §103 as being unpatentable over USPN 6,671,756 issued to Thomas in view of USPN 6,304, 895 issued to Schneider.

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Claim 1 is directed to a switching device that includes the following combination of elements:

2. a transmitter and a receiver operable to provide wireless communication between the switching device and a selected one of a plurality of available computing devices and between the switching device and a peripheral device;
3. a computer readable medium having instructions for:
 - a. maintaining a list of the available computing devices;
 - b. receiving a user communication selecting from among the list of available computing devices; and
 - c. utilizing the transmitter and the receiver to establish a first wireless link between the peripheral device and the switching device and a second wireless link between the switching device and a computing device selected from the list of available computing devices;
4. a processor operable to execute the instructions.

The Examiner mistakenly asserts that Thomas teaches a transmitter and a receiver operable to provide wireless communication between the switching device and a selected one of a plurality of available computing devices and between the switching device and a peripheral device. Citing Thomas, col. 2, lines 8-9, col. 7, line 42 through col. 8, line 33, and Fig. 8, the Examiner asserts that Thomas teaches a transmitter and receiver that are operable to provide wireless communication between a switching device and a selected computing device.

Thomas mentions the use of wireless communications only once and that is in its background/summary section at col. 2, lines 1-14. In that particular passage, Thomas describes a KVM switchbox that provides access to a local user and a remote user. The remote user preferably communicates with the KVM switch box via a CAT5 cable. Alternatively, the KVM switchbox may employ a wireless connection between the remote user and the KVM switchbox.

This passage is taken from the background/summary and by itself provides very little insight as to what Thomas is actually describing. To get a true understanding, one must look at Thomas as a whole and take the time to delve into the Specification.

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Attention is specifically drawn to col. 3, lines 37-52, col. 4, lines 8-16; col. 5, lines 10-35, and Figs. 1 and 2. Figs. 1 and 2 are reproduced below to help illustrate the Examiner's mistake.

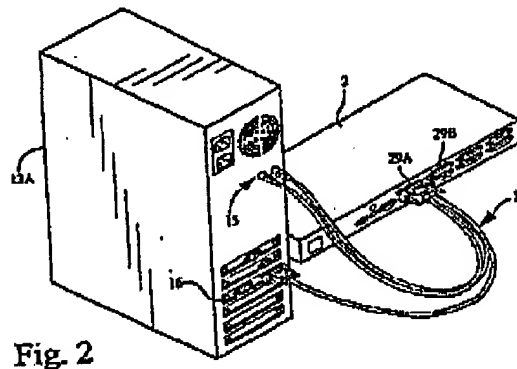
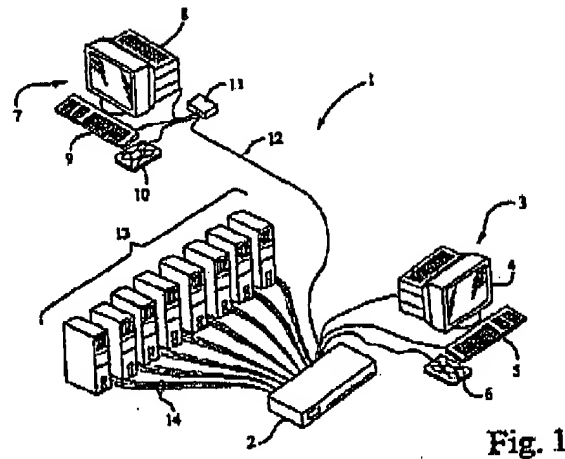


Fig. 1 illustrates a distinction between a local user (3) and a remote user (7) of a KVM switch (2). The local user (2) has a monitor (4), keyboard (5), and pointing device (6) each directly connected to KVM switch (2). Thomas states that the local user (3) is to be located within 30 feet of KVM switch (2). The remote user (7) has monitor (8), keyboard (9), and pointing device (10) each directly connected to an extender product (11). That extender product (11) is then connected to KVM switch (2) via line (12). It is this line (12)

that Thomas, at col. 2, lines 8-9, refers to when stating "the KVM switch can employ fibre optic, and integral waveguide, or wireless connection in lieu of the CAT5 connection."

As is evident from Fig. 2, Thomas never even suggests that a wireless connection be established between the KVM switch (2) and the computing devices (13). Instead as shown in Thomas Fig. 2, Thomas explicitly requires a physical cable (14) to connect the KVM switch (2) to a computing device (13A). Thomas describes that the cable 14 can have alternative ends for differing types of pointing devices, keyboards, and monitors. Thomas, col. 5, lines 20-35. A different cable 14 is used for each additional computing device (13) to KVM switch (2). The number of computing devices (13) that can be serviced by KVM switch (2) is limited by the number of physical ports available for cables (14).

Consequently, Thomas does not teach the first element of Claim 1 which recites "a transmitter and a receiver operable to provide wireless communication between the switching device and a selected one of a plurality of available computing devices."

For at least this reasons Claim 1 is patentable over the cited references as are Claims 2-9 which depend from Claim 1.

B. Ground For Rejection B (Claims 1-9) – The references of record fail to teach or suggest using a computer readable medium having instructions for utilizing the transmitter and the receiver to establish a second wireless link between the switching device and a computing device selected from the list of available computing devices.

Claims 1-6, 8-21, and 23, and 25 were rejected under 35 U.S.C. §103 as being unpatentable over USPN 6,671,756 issued to Thomas in view of USPN 6,304, 895.

Claim 1 is directed to a switching device that includes the following combination of elements:

1. a transmitter and a receiver operable to provide wireless communication between the switching device and a selected one of a plurality of available computing devices and between the switching device and a peripheral device;
2. a computer readable medium having instructions for:
 - a. maintaining a list of the available computing devices;

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- b. receiving a user communication selecting from among the list of available computing devices; and
 - c. utilizing the transmitter and the receiver to establish a first wireless link between the peripheral device and the switching device and a second wireless link between the switching device and a computing device selected from the list of available computing devices;
3. a processor operable to execute the instructions.

The Examiner admits that Thomas fails to teach the second limitation. Specifically, the Examiner (mistakenly referring to Schneider) admits that Thomas "lack to especially recite a first wireless link between the peripheral device and the switching device and a second wireless link between the switching device and the computing device." More particularly, the Examiner admits that Thomas fails to teach a switching device that includes a computer readable medium having instructions for utilizing the transmitter and the receiver to establish a first wireless link between the peripheral device and the switching device and a second wireless link between the switching device and a computing device selected from the list of available computing devices.

For this deficiency the Examiner relies on Schneider. Schneider describes a switch (74) that is placed between a group of target devices (20a-20c) and a target controller (50). Schneider, Fig. 1A is reproduced below to help illustrate.

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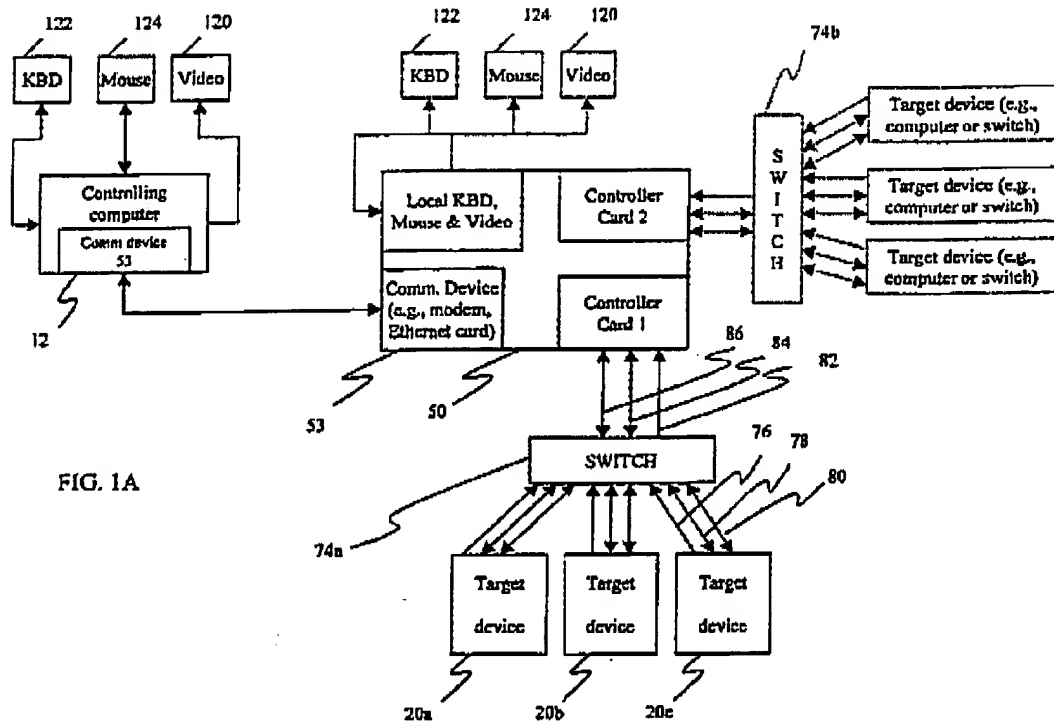


FIG. 1A

Communication between the switch (74a) and each target device 20a-20c is accomplished with lines 76, 78, and 80. Schneider does not describe these lines in its Specification. However, from appearances lines 78 and 80 represent separate bidirectional communication paths for passing keyboard and pointing device communication for keyboard (122) and mouse (124). Line 76 is one directional targeted away from target devices (20a-20c) and could be used for passing video data for video (120). Schneider does mention that lines 82-86 may be wireless and that the link between controlling computer (12) and target controller (50) may be wireless. Schneider makes absolutely no mention that lines 76-80 are accomplished wirelessly. Consequently, it can be accurately presumed that lines 76-80 are not wireless.

Therefore, Schneider does not teach the ability to establish a second wireless link between the switching device and the computing device are recited by Claim 1.

For at least these reasons Claim 1 is patentable over Thomas and Schneider as are Claims 2-9 which depend from Claim 1.

C. Ground For Rejection C (Claims 10-20) – The references of record fail to teach or suggest using a switching device configured to establish a second wireless link between the switching device and a computing device selected from the list of available computing devices enabling wireless user interaction..

Claims 1-6, 8-21, and 23, and 25 were rejected under 35 U.S.C. §103, as being unpatentable over USPN 6,671,756 issued to Thomas in view of USPN 6,304, 895.

Claim 10 is directed to a computing system and recites the following combination of elements:

1. multiple computing devices, each of which being configured for wireless communication;
2. one or more peripheral devices configured to wirelessly receive and/or transmit data; and
3. a switching device configured to:
 - a. maintain a list of available computing devices from among the multiple computing devices;
 - b. receive a user communication selecting from among the list of available computing devices; and
 - c. establish a first wireless link between the peripheral device and the switching device and a second wireless link between the switching device and a computing device selected from the list of available computing devices enabling wireless user interaction.

As with Claim 1, Thomas and Schneider, individually and combined, do not teach or suggest a switching device configured to establish a second wireless link between the switching device and a computing device selected from the list of available computing devices enabling wireless user interaction. Specifically Thomas' switch (2) requires a physical cable (14) for such a connection. The same is true for Schneider.

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For at least these reasons, Claim 10 is patentable over Thomas and Schneider as are Claims 11-15 which depend from Claim 10.

D. Ground For Rejection D (Claims 21-23) – The references of record fail to teach or suggest a method in which a second wireless link is established with a selected computing device so that a user is permitted to interact with the selected computing device via first and second wireless links.

Claims 1-6, 8-21, and 23, and 25 were rejected under 35 U.S.C. §103 as being unpatentable over USPN 6,671,756 issued to Thomas in view of USPN 6,304, 895.

Claim 21 is directed to a method of controlling multiple computing devices utilizing a switching device and recites the following acts:

1. establishing a first wireless link with a peripheral device;
2. maintaining a list of available computing devices;
3. receiving data from a user, the data being associated with a user selection of an available computing device from the list;
4. using the received data to select a computing device;
5. establishing a second wireless link with the selected computing device; and
6. permitting the user to interact with the selected computing device via said first and second wireless links.

As made clear above, Thomas and Schneider fail to teach device and system components capable of establishing a second wireless link with a selected computing device so that a user is permitted to interact with the selected computing device via first and second wireless links. Consequently, those references also fail to teach or suggest a method in which a second wireless link is established with a selected computing device so that a user is permitted to interact with the selected computing device via first and second wireless links.

For at least these reasons, Claim 21 is patentable over Thomas and Schneider as are Claims 22-23 which depend from Claim 21.

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E. Ground For Rejection E (Claim 25) – The references of record fail to teach or suggest one or more computer readable media that have instructions for establishing a second wireless link with a selected computing device so that a user is permitted to interact with the selected computing device via first and second wireless links.

Claims 1-6, 8-21, and 23, and 25 were rejected under 35 U.S.C. §103 as being unpatentable over USPN 6,671,756 issued to Thomas in view of USPN 6,304, 895.

Claim 25 is directed to one or more readable media having instructions thereon which, when executed by a switching device, cause the switching device to:

- 1. establish a first wireless link with a peripheral device;**
- 2. maintain a list of available computing devices;**
- 3. wirelessly receive data from a user, the data being associated with a user selection from the list of available computing devices;**
- 4. use the received data to select a computing device;**
- 5. establish a second wireless link with the selected computing device; and**
- 6. permit the user to interact with said one computing device via said first and second wireless links.**

As made clear above, Thomas and Schneider fail to teach device and system components capable of establishing a second wireless link with a selected computing device so that a user is permitted to interact with the selected computing device via first and second wireless links. Consequently, those references also fail to teach or suggest instructions for causing a switching device to establish a second wireless link with the selected computing device and permit a user to interact with the selected computing device via first and second wireless links.


For at least these reasons, Claim 25 is patentable over Thomas and Schneider.

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For at least the reasons set forth above, the rejections of Claims 1-23 and 25 are improper as the Examiner has failed to establish a prima facie case of obviousness under 35 USC §103.

Respectfully submitted,
Travis J. Parry

By



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January 17, 2006

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APPENDIX OF CLAIMS INVOLVED IN THE APPEAL

1. (previously presented) A switching device comprising:
 - a transmitter and a receiver operable to provide wireless communication between the switching device and a selected one of a plurality of available computing devices and between the switching device and a peripheral device;
 - a computer readable medium having instructions for:
 - maintaining a list of the available computing devices;
 - receiving a user communication selecting from among the list of available computing devices; and
 - utilizing the transmitter and the receiver to establish a first wireless link between the peripheral device and the switching device and a second wireless link between the switching device and a computing device selected from the list of available computing devices;
 - a processor operable to execute the instructions.
2. (previously presented) The switching device of claim 1, wherein the instructions for utilizing the transmitter and the receiver include instructions for utilizing the transmitter and receiver to establish the first wireless link between the switching device and a plurality of peripheral devices that can be used by a user to interact with the selected computing device.
3. (original) The switching device of claim 2, wherein said at least one peripheral device comprises a keyboard.
4. (original) The switching device of claim 2, wherein said at least one peripheral device comprises a mouse.
5. (original) The switching device of claim 2, wherein said at least one peripheral device comprises a display.

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6. (original) The switching device of claim 2, wherein said at least one peripheral device comprises one or more of a keyboard, a mouse and a display.

7. (original) The switching device of claim 1, wherein the transmitter and receiver are configured to establish a wireless link via BlueTooth.

8. (original) The switching device of claim 1, wherein the transmitter and receiver comprise an integrated unit.

9. (previously presented) The switching device of claim 1 further comprising a storage device to maintain the list of available computing devices.

10. (previously presented) A computing system comprising:
multiple computing devices, each of which being configured for wireless communication;
one or more peripheral devices configured to wirelessly receive and/or transmit data; and
a switching device configured to:
maintain a list of available computing devices from among the multiple computing devices;
receive a user communication selecting from among the list of available computing devices; and
establish a first wireless link between the peripheral device and the switching device and a second wireless link between the switching device and a computing device selected from the list of available computing devices enabling wireless user interaction.

11. (original) The computing system of claim 10, wherein the computing devices comprise desktop computers.

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12. (original) The computing system of claim 10, wherein at least one of the peripheral devices comprises a keyboard.

13. (original) The computing system of claim 10, wherein at least one of the peripheral devices comprises a mouse.

14. (original) The computing system of claim 10, wherein at least one of the peripheral devices comprises a display.

15. (previously presented) The computing system of claim 10, wherein at least one of the peripheral devices comprises one or more of a keyboard, mouse or display.

16. (previously presented) A computing system comprising:
multiple computing devices, each of which being configured for wireless communication;
one or more peripheral devices configured to wirelessly receive and/or transmit data and linkable with the computing devices for data exchange; and
a switching device configured to
wirelessly receive and transmit data from and to the peripherals and the computing devices;
maintain a list of available computing devices from among the multiple computing devices;
receive a user communication selecting from among the list of available computing devices; and
establish a first wireless link between the one or more peripheral devices and the switching device and a second wireless link between the switching device and a computing device selected from the list of available computing devices enabling user interaction with the computing devices.

17. (original) The computing device of claim 16, wherein the computing devices comprise desktop computers.

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18. (original) The computing device of claim 16, wherein at least one of the peripheral devices comprises a keyboard.

19. (original) The computing device of claim 16, wherein at least one of the peripheral devices comprises a mouse.

20. (original) The computing device of claim 16, wherein at least one of the peripheral devices comprises a display.

21. (previously presented) A method of controlling multiple computing devices utilizing a switching device, the method comprising:
establishing a first wireless link with a peripheral device;
maintaining a list of available computing devices;
receiving data from a user, the data being associated with a user selection of an available computing device from the list;
using the received data to select a computing device;
establishing a second wireless link with the selected computing device; and
permitting the user to interact with the selected computing device via said first and second wireless links.

22. (original) The method of claim 21, wherein said receiving comprises wirelessly receiving said data from the user.

23. (previously presented) The method of claim 21, wherein said permitting comprises wirelessly receiving data from the peripheral device, the peripheral device comprising one or more of: a keyboard, a mouse and a display, and wirelessly transmitting the data to the selected computing device.

24. (cancelled)

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25. (previously presented) One or more readable media having instructions thereon which, when executed by a switching device, cause the switching device to:

- establish a first wireless link with a peripheral device;
- maintain a list of available computing devices;
- wirelessly receive data from a user, the data being associated with a user selection from the list of available computing devices;
- use the received data to select a computing device;
- establish a second wireless link with the selected computing device; and
- permit the user to interact with said one computing device via said first and second wireless links.

Evidence Appendix

There is no extrinsic evidence to be considered in this Appeal. Therefore, no evidence is presented in this Appendix.

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Related Proceedings Appendix

There are no related proceedings to be considered in this Appeal. Therefore, no such proceedings are identified in this Appendix.

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